UNITED STATES PATENT AND TRADEMARK OFFICE

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SHUMAKER & SIEFFERT, P. A.
1625 RADIO DRIVE
SUITE 300
WOODBURY, MN 55125

EXAMINER
SUN, SCOTT C

ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

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Office Action Summary	Application No.	Applicant(s)
	10/615,211	KHANDELWAL ET AL.
	Examiner	Art Unit	
	Scott Sun	2182	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>01 June 2007</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1,3,7,8,11,12,14,15,20-24 and 27-49</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1,3,7,8,11,12,14,15,20-24 and 27-49</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   Applicant's amendments to the claims filed 6/1/2007 have been noted and

entered.

Response to Arguments

2.   Applicant's arguments filed 6/1/2007 regarding claim 1 and 24 have been fully

considered but they are not persuasive. Applicant's arguments are summarized as:

   a.   Prior art of record does not disclose uploading the global rules to the

   portable device of the claimed invention, but instead is an online web-based

   system.

3.   In response to argument 'a', examiner notes that Winters's reward system is in

fact online web-based. However, being a web-based online system means that the

contents of the website are accessible remotely, by a PC or laptop or other computing

system. The contents of the website are in fact uploaded to the client remote computer

for processing and viewing. Even if applicant intends the claims to mean that a web-

based system is not used, and explicitly states such a limitation, Winters teaches that

"some and/or all aspects of the present invention could manifest themselves using <u>non-</u>

<u>browser-based</u> technology (e.g. ICQ, IM technology, <u>wireless devices, PDAs</u>, kiosks,

set-top boxes, etc" (emphasis added).

4.   Applicant's arguments regarding amended claims 27, 43, 47, and 49 have been

fully considered by are moot in view of the new ground(s) of rejection, as attached

below.

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

6.   Claims 1, 3, 7, 8, 9, 11, 12, 14, 15, 20-22, 24, 27, 29-34, 36-47 are rejected

under 35 U.S.C. 103(a) as being unpatentable over Kolls (PG Pub #US 2001/0016819

A1) in view of Winters (PG Pub 2001/0034635).

7.   Regarding claims 1 and 24, Kolls discloses a remote information capture system

(system 500; hardware details shown in figure 4, various hardware embodiments shown

in figures 3A-3F, paragraph 50, various methods shown in figures 9-18) for the capture,

storage and manipulation of remote information, the system comprising:

       a portable remote information capture device (cellphone embodiment shown in

figure 3F, paragraph 61-62, Kolls also discloses that system 500 can be a laptop, palm,

or digital camera; paragraph 50) located at a remote site for capturing remote

information comprising consumer personal data (identification data or biometrics data)

and consumer preference data (customer advertising data; figure 15; customer input for

service or help, figure 14; customer shopping data, figure 9B), the portable remote

information capture device comprising:

a reader (smart card reader 548, magnetic card reader 550, etc) for capturing the

consumer personal data encoded on a consumer's identification (paragraph 57, 161),

an entry module (mouse/keyboard means 510, voice/handwriting capture means

534, keypad 540, etc) useable by an operator for entering the consumer preference

data (paragraph 45, 55, methods in figures 9B, 14, and 15);

a computer system (a server 632, vending machine 640, or any other computer

system connected to system 500, shown in figure 5) accessible by the portable remote

information capture device operative to store the captures remote information (server

example detailed in paragraph 157);

a computer program operative to manipulate the captured remote information

(paragraph 44).

Kolls does not disclose explicitly the computer system having a module for

managing rewards. However, Winters further discloses a global rules manager module

(LEDOS system) for managing one or more rewards based on the one or more global

rules, the one or more global rules being uploaded to the portable remote information

capture device (LEDOS, instant-win, lottery, redemption points, etc, paragraph 40). The

portable remote information capture device further comprising a module for identifying a

consumer who is eligible for the one or more rewards defined by the uploaded one or

more global rules (paragraph 39, 42, 43). Examiner notes Winters teaches that the

features of the rewards system can be implemented using wireless devices, or PDAs.

Furthermore, teachings of Winters, Gilberto and Kolls are from the same field of electronic commerce.

Therefore, it would have been obvious at the time of invention to combine Winters's teachings with Kolls's teachings by implementing a reward system as disclosed by Winters in the system of Kolls for the benefit of attracting and retaining customers (paragraph 12, Winters).

8.   Regarding claim 3, Kolls and Winters combined discloses the remote information capture system according to claim 1, and Kolls further teaches wherein the reader includes a bar code reader (figure 4, bar code reader). Examiner notes that a 1D barcode and 2D barcode capabilities would have been obvious in view of Koll's teachings to use a barcode reader.

9.   Regarding claim 7, Kolls and Winters combined discloses the remote information capture system according to claim 1, and Kolls further teaches wherein the portable remote information capture device is a wireless device (cell phone example figure 3F, LAN network connection means in figure 4) accessing the computer system wirelessly (paragraphs 66-67).

10.   Regarding claim 8, Kolls and Winters combined discloses the remote information capture system according to claim 1, and Kolls further discloses wherein the remote information capture system further comprises a verification module for verifying the captured consumer personal data (paragraphs 45, 70).

11.   Regarding claim 11, Kolls and Winters combined discloses the remote

information capture system according to claim 1, and Kolls further discloses a signature

capture module for capturing patron signatures (figure 4, element 534; paragraph 83).

12.   Regarding claim 12, Kolls and Winters combined discloses the remote

information capture system according to claim 1, and Kolls further discloses wherein the

reader includes a magnetic stripe reader (figure 4, element 550).

13.   Regarding claim 14, Kolls and Winters combined discloses the remote

information capture system according to claim 1, and Kolls further discloses wherein the

portable remote information capture device further comprises a consumer interface for

consumer participation (figure 4, keypad, display means, camera, speakers are all

patron interfaces for patron to interact with the system).

14.   Regarding claim 15, Kolls and Winters combined discloses the remote

information capture system according to claim 1, and Kolls further discloses wherein the

portable remote information capture device further comprises a fraudulent use detector

(figure 4, alarm, paragraph 78).

15.   Regarding claim 17, Kolls and Winters combined discloses the remote

information capture system according to claim 1, and Kolls further teaches wherein the

portable remote information capture device is uploaded with one or more global rules

(paragraph 68, program code, service data, transaction data).

16.   Regarding claim 20, Kolls and Winters combined discloses the remote

information capture system according to claim 1, and Kolls further teaches wherein the

portable remote information capture device comprises a privacy consent module for

capturing consumer privacy consent approval. The examiner notes that privacy consent for capturing patron approval is necessary through state or federal regulations, and therefore would be a necessary function before capturing or sharing personal information through e-commerce.

17.   Regarding claim 21, Kolls and Winters combined discloses the remote information capture system according to claim 1, and Kolls further teaches wherein the remote information capture device further comprises a digital camera for capturing consumer photos (figure 4, camera).

18.   Regarding claim 22, Kolls and Winters combined discloses the remote information capture system according to claim 1, and Kolls further teaches wherein the remote information is security rounds data (paragraph 78).

19.   Regarding claim 27, Kolls and Winters combined discloses the remote information capture system according to claim 11, and Kolls further teaches wherein the signature capture module comprises: a module for storing the captured signature in a binary signature file format; and a module for reading the binary signature file format and creating an image of the captured signature (paragraph 83). Examiner notes that signature capture devices by definition operate with a stylus and save signatures as a bitmap image. Technology for recognizing a connection and disconnection of points are well known in electronic signature capturing, and would be obvious in view of Kolls teachings to use a handwriting capturer.

20.   Regarding claim 29, Kolls and Winters combined discloses the remote information capture system according to claim 21, and Kolls further teaches wherein the

information capture device further comprises: a module (display means 580, 582) for providing an image information screen, the image information screen useable by the operator for associating the captured consumer photo with the consumer personal data (paragraph 94 and 98). Examiner notes that image files on computers can be renamed and therefore Kolls system can perform the functions claimed.

21.   Regarding claim 30, Kolls and Winters combined discloses the remote information capture system according to claim 1, and Kolls further teaches wherein the computer program operative to manipulate the captured remote information is located on the portable remote information capture device. Examiner notes that because the portable remote information capture devices performs the functions of displaying and capturing the remote information, it also has computer program stored therein to instruct the hardware to perform these functions.

22.   Regarding claim 31, Kolls and Winters combined discloses the system according to claim 1, and Kolls further teaches wherein the computer system is a laptop computer, and wherein the computer program operative to manipulate the captured remote information manipulates the captured remote information located on the laptop computer (figure 5, paragraph 50). Examiner notes that Koll teaches system 500 can be connected to a laptop, which would function as a vending machine for conducting e-commerce.

23.   Regarding claim 32, Kolls and Winters combined discloses the system according to claim 1, and Kolls further teaches wherein the computer system is a database server, and wherein the computer program operative to manipulate the captured remote

information manipulates the captured remote information located on the database

server (paragraph 116, 138).

24.   Regarding claim 33, Kolls and Winters combined discloses the system according

to claim 1, and Kolls further teaches wherein the remote information capture device

accesses the computer system through a docking cradle (embodiment of system 500

being on a palm).

25.   Regarding claim 34, Kolls and Winters combined discloses the system according

to claim 1, and Kolls further teaches wherein the remote information capture device

accesses the computer system through a dial up connection (modem 544).

26.   Regarding claim 36, Kolls and Winters combined discloses the system according

to claim 1, and Kolls further teaches wherein storing the captured remote information on

the accessible computer system is done in batch files (paragraph 218).

27.   Regarding claim 37, Kolls and Winters combined discloses the system according

to claim 1, and Kolls further teaches wherein storing the captured remote information on

the accessible computer system is done in real time (cell phone example in figure 3F,

server described in paragraphs 86, 87). The examiner asserts that communications

over a network such as LAN or WAN are performed with no perceptible delay, and thus

are real time.

28.   Regarding claim 38, and 39, Kolls and Winters combined discloses the system

according to claim 1, and Kolls further teaches wherein the consumer's ID is a driver's

license or a loyalty rewards card (paragraph 161). Examiner notes that both of these

Identification are either smardcards or magnetic cards.

29.   Regarding claim 40, Regarding claim 36, Kolls and Winters combined discloses

the system according to claim 1, and Kolls further teaches wherein the portable remote

information capture device accesses the computer system over the Internet (51).

30.   Regarding claim 41, Kolls and Winters combined discloses the system according

to claim 21, and Kolls further teaches wherein the remote information further comprises

the captured consumer photo (paragraph 98).

31.   Regarding claim 42, Kolls and Winters combined discloses the system according

to claim 29, and Kolls further teaches wherein the captured consumer photo is

associated with the consumer personal data through an image number. Examiner

notes that photos can be named arbitrarily by letters and/or numbers.

32.   Regarding claim 43, Kolls and Winters combined discloses claim 30 but does not

explicitly teach an Internet address generator. However, the examiner asserts that

generating user information such as email addresses to match a user name is well

known in the art of e-commerce. An example is given by Winters (paragraph 73) in

which e-mail information can be automatically filled in for the user for review (display)

and confirmation (accepting a change). Therefore it would have been obvious to

incorporate this feature into the system disclosed by Kolls for the benefit of providing

convenience to the user.

33.   Regarding claim 44, Kolls and Winters combined discloses the system according

to claim 32, and Kolls further teaches an electronic marketing engine for electronic

marketing utilizing the captured data (paragraph 116, 138).

34.   Regarding claim 45, Kolls and Winters combined discloses claim 30 but does not disclose explicitly an electronic contest generator. However, Winters further discloses an electronic contest generator (paragraph 40, instant-win, lottery, redemption points). Examiner notes that the same reasons in rejection of claim 9 can be applied to use the contest generator disclosed by Winters in the system of Kolls.

35.   Regarding claim 46, Kolls and Winters combined discloses the system according to claim 32, and Kolls further teaches means for driving customers to a website utilizing captured data (background). Kolls describes prior art which utilizes PC to conduct e-commerce by browsing webpages, since a user of PC enters information into the PC to be directed to a website. Some well-known examples of such systems are Ebay and Amazon.

36.   Regarding claim 47, Kolls and Winters combined discloses the system according to claim 1, and Winters further teaches wherein the computer program comprises an incorporator for incorporating at least one of the captured consumer personal data and consumer preference data as a text data within a multimedia presentation (displaying the user information, paragraph 73).

37.   Regarding claim 49, Kolls and Winters combined discloses the system according to claim 1, and Winters further discloses module for defining odds for one or more rewards, module for selecting a random winner from a group of consumers who have provided corresponding consumer personal data and consumer reference data, the one or more rewards being provided based on at least one of the uploaded one or more global rules, the defining module and the selecting module (instant-win, lottery

functionality, paragraph 40, 63). Examiner notes that instant-win and lottery

functionalities are well known at the time of invention. The odds defining and winner

selection processes would have been obvious given the teachings from Winters to

incorporate these games.

38.   Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kolls

and Winters further in view of Sugar et al (PG Pub 2002/0029164).

39.   Kolls and Winters combined discloses claim 1 but does not teach explicitly

capturing parking data remotely. However, Sugar discloses the system wherein the

remote information is parking data (paragraph 27). Furthermore, teachings of Sugar

and Kolls are from the same field of e-commerce.

Therefore it would have been obvious at the time of invention to combine Sugar's

invention with Kolls's invention by adding the website features to reserve and pay for

parking disclosed by Sugar into the system disclosed by Kolls for the benefit of reducing

cost in handling parking operations.

40.   Claims 28 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Kolls and further in view of Java GUI programming (teachings readily available

over the Internet or in textbooks, relevant chapters are attached to previous office

action).

41.   Regarding claims 28, 35, and 48, Kolls and Winters combined discloses

demographic data capture screen (customer survey 168), but does not teach the

various buttons and lists used for data entry. However, programming languages such

as Java has provided numerous GUI (graphical user interface) data entry features,

including buttons and selection lists.

Teachings of Kolls and Java GUI are from the same field of computer user

interfaces for data entry. Therefore, it would have been obvious for a person of ordinary

skill at the time of invention to program GUI with buttons and selection lists in data

capture screens for the benefit of easy data entry.

42.   Claim 48 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kolls in

view of Winters and further in view of Java GUI programming.

Regarding claim 48, Kolls and Winters combined discloses email capture screen,

but does not teach the various buttons and lists used for data entry. However,

programming languages such as Java has provided numerous GUI (graphical user

interface) data entry features, including buttons and selection lists.

Teachings of Kolls, Winters and Java GUI are from the same field of computer

user interfaces for data entry. Therefore, it would have been obvious for a person of

ordinary skill at the time of invention to program GUI with buttons and selection lists in

data capture screens for the benefit of easy data entry.

Conclusion

43.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37
CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE
MONTHS from the mailing date of this action. In the event a first reply is filed within
TWO MONTHS of the mailing date of this final action and the advisory action is not
mailed until after the end of the THREE-MONTH shortened statutory period, then the
shortened statutory period will expire on the date the advisory action is mailed, and any
extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of
the advisory action. In no event, however, will the statutory period for reply expire later
than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Scott Sun whose telephone number is (571) 272-2675.
The examiner can normally be reached on M-F, 10:30am-7pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, Kim N. Huynh can be reached on (571) 272-4147. The fax phone number
for the organization where this application or proceeding is assigned is 571-273-8300.

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SS

KIM HUYNH
SUPERVISORY PATENT EXAMINER

8/22/07